

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY BRIAN WILLIS,

Plaintiff,

Case Number: 09-13406
HONORABLE AVERN COHN

v.

DETROIT POLICE SERGEANT
JIM GRAHAM and INVESTIGATOR AMIR
SMITH,

Defendants.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. No. 30)
AND
DENYING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT (Doc. No. 19)

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff is proceeding pro se and in forma pauperis. Plaintiff is suing defendants claiming that he was wrongfully prosecuted, that defendants lacked probable cause for the prosecution, and that the prosecution was undertaken with recklessness and malice. The matter has been referred to a magistrate judge for all pretrial proceedings. Plaintiff filed a motion for default judgment against defendant Graham. The clerk denied entry of default because Graham answered the complaint. As such, the magistrate judge issued a report and recommendation (MJRR) recommending that plaintiff's motion be denied.

Neither party has filed objections to the MJRR and the time for filing objections has passed. The failure to file objections to the report and recommendation waives any

further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court has reviewed the MJRR and agrees with the magistrate judge.

III.

Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. Plaintiff's motion for default judgment is DENIED.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: May 26, 2010

I hereby certify that a copy of the foregoing document was mailed to Gregory Willis, 207545, 11075 McKinney, Detroit, MI 48224 and the attorneys of record on this date, May 26, 2010, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160